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Attorneys for Defendants  
ERIC CHELINI and GSRV-VTI  
MANAGEMENT, LLC

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

HUI MA, AILING ZHAO, XI LIU,  
YIXUAN WANG, and RUI ZHANG,

Plaintiffs,

v.

GOLDEN STATE RENAISSANCE  
VENTURES, LLC, dba Golden Gate Global, a  
California Limited Liability Company; GSRV  
MANAGEMENT, LLC, a California Limited  
Liability Company; GSRV-VTI  
MANAGEMENT, LLC, a California Limited  
Liability Company; ERIC CHELINI, an  
individual; STEVEN KAY, an individual; and  
VERTEBRAL TECHNOLOGIES, INC., a  
Minnesota corporation,

Defendants.

Case No. 3:21-cv-00856-WHO

**REPLY DECLARATION OF KAYLEN  
KADOTANI IN SUPPORT OF  
DEFENDANTS ERIC CHELINI AND  
GSRV-VTI MANAGEMENT, LLC'S  
MOTION TO COMPEL ARBITRATION  
AND DISMISS OR, ALTERNATIVELY,  
STAY PROCEEDINGS**

Date: May 26, 2021

Time: 2:00 PM

Ctrm: 2

Judge: the Hon. William H. Orrick

1 I, Kaylen Kadotani, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am Senior Counsel  
3 with Hanson Bridgett LLP, attorneys of record for Defendants ERIC CHELINI and GSRV-VTI  
4 MANAGEMENT, LLC. I have personal knowledge of the facts set forth herein, except as to  
5 those stated on information and belief and, as to those, I am informed and believe them to be true.  
6 If called as a witness, I could and would competently testify to the matters stated herein.

7 2. The U.S. Citizenship and Immigration Services' website (uscis.gov) provides  
8 general information, instructions, and copies of required forms related to the EB-5 Program. A  
9 true and correct copy of the I-526 petition "Instructions" sheet is attached hereto as **Exhibit 4**.  
10 This document is accessible on and was downloaded from the following URL on May 12, 2021:  
11 <https://www.uscis.gov/sites/default/files/document/forms/i-526instr.pdf>

12 3. A true and correct copy of the I-526 petition application form is attached hereto as  
13 **Exhibit 5**. This document is accessible on and was downloaded from the following URL on May  
14 12, 2021: <https://www.uscis.gov/sites/default/files/document/forms/i-526.pdf>

15 4. A true and correct copy of USCIS's "Suggested Order of Form I-526  
16 Documentation" guidance document is attached hereto as **Exhibit 6**. This document is accessible  
17 on and was downloaded from the following URL on May 12, 2021:  
18 [https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-](https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/suggested-order-of-form-i-526-documentation)  
19 [immigration-fifth-preference-eb-5/suggested-order-of-form-i-526-documentation](https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/suggested-order-of-form-i-526-documentation)

20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing is true and correct.

22 Executed on this 12th day of May, 2021, at San Francisco, California.

23  
24  
25 /s/ Kaylen Kadotani  
Kaylen Kadotani

# EXHIBIT 4

# EXHIBIT 4



# Instructions for Immigrant Petition by Alien Investor

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
**Form I-526**  
OMB No. 1615-0026  
Expires 11/30/2021

## What Is the Purpose of Form I-526?

The form is used by an investor to petition U.S. Citizenship and Immigration Services (USCIS) for status as an immigrant to the United States under section 203(b)(5) of the Immigration and Nationality Act (INA), as amended.

## Who May File Form I-526?

You may file this petition for yourself if you have invested or are actively in the process of investing the required investment amount in a new commercial enterprise (NCE):

1. In which you will engage in a managerial capacity through day-to-day managerial control or policy formulation;
2. Which will benefit the U.S. economy; and
3. Which will create full-time employment in the United States for at least 10 U.S. citizens, lawful permanent residents, or other immigrants lawfully authorized to be employed in the United States, other than yourself, your spouse, or your sons or daughters.

An NCE may be established by:

1. The formation of a business after November 29, 1990;
2. The purchase of a business formed on or before November 29, 1990, and simultaneous or subsequent restructuring or reorganization resulting in an NCE; or
3. The expansion of a business formed on or before November 29, 1990, through investment of the amount required so that a substantial change (at least 40 percent increase) in either the net worth or number of employees results.

The amount of investment required is set by regulation. You may obtain additional information from our website at [www.uscis.gov](http://www.uscis.gov), or a U.S. Embassy or U.S. Consulate abroad.

## General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**Signature.** Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature.

**Filing Fee.** Each petition must be accompanied by the appropriate filing fee. (See the What Is the Filing Fee section of these Instructions.)

**Evidence.** At the time of filing, you must submit all evidence and supporting documentation listed in the Specific Instructions section of these Instructions.

**Biometric Services Appointment.** USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application, petition, or request. After USCIS receives your petition and ensures it is complete, we will inform you in writing, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

**Copies.** You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**NOTE:** If you submit original documents when not required or requested by USCIS, your original documents may remain a part of the record, USCIS will not automatically return them to you, **and your original documents may be immediately destroyed upon receipt.**

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator's signature. DHS recommends the certification contain the translator's printed name and the date and the translator's contact information.

## How To Fill Out Form I-526

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers, and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

## Specific Instructions

### Part 1. Information About You

**Item Number 1. Alien Registration Number (A-Number)** (if any). Provide your A-Number. Your A-Number is the number used to identify your immigration records. This number may be located on documents you received from USCIS, U.S. Immigration and Customs Enforcement, or the Executive Office for Immigration Review during immigration proceedings in court.

**Item Number 2. USCIS Online Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

**Item Number 3. U.S. Social Security Number** (if any). Provide your U.S. Social Security number, if you have one.

**Item Numbers 4.a. - 4.c. Your Full Name.** Provide your full legal name in the spaces provided.

**Item Numbers 5.a. - 6.c. Other Names Used** (if any). Provide all the names you have used, including maiden name, married names, and nicknames, in the space provided.

**Item Numbers 7.a. - 8. Mailing Address.** Provide the address where you would like to receive written correspondence regarding your petition. Indicate whether your current mailing address is the same as your physical address.

**Item Numbers 9.a. - 13.j. Physical Address.** Provide your current physical (residential) address and all prior residential addresses for the past five years. Indicate the dates of residence at each address.

**Item Numbers 14.a. - 18.l. Employment History.** Provide your current employment information and all prior employment information for the past five years. Indicate the full legal name of the employer and address of employment, job title, and dates of employment for each position.

#### **Other Information About You**

**Item Number 19. Date of Birth.** Provide your date of birth in a month/day/year format.

**Item Number 20. Sex.** Indicate whether you are a male or female.

**Item Numbers 21. - 23. Place of Birth.** Provide the city or town, state or province, and country where you were born in the spaces provided.

**Item Numbers 24. Country of Citizenship or Nationality.** Provide the name of the country where you are a citizen and/or national. If you are a citizen of more than one country or your nationality differs from your citizenship, provide the information in **Part 11. Additional Information**. Indicate whether you are a citizen or national of each country you list. This is not necessarily the country where you were born. If you do not have citizenship in any country, write “stateless” and provide an explanation in **Part 11. Additional Information**.

**Item Number 25. Country of Last Foreign Residence.** Provide the name of the country where you had your last foreign residence.

#### **Your Entry Into The United States**

If you are currently in the United States, provide the following information:

**Item Number 26. Date of Arrival.** Provide the date you arrived in the United States in a month/day/year format.

**Item Numbers 27.a. - 27.b. Place of Arrival or Port-of-Entry.** Provide the city/town and state where you arrived in the United States.

**Item Numbers 28.a. - 28.b. Form I-94 Arrival-Departure Record.** If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your I-94 admission number and date that your authorized period of stay expires or expired (as shown on the Form I-94). The I-94 admission number also is known as the Departure Number on some versions of Form I-94.

**NOTE:** If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at [www.cbp.gov/i94](http://www.cbp.gov/i94) to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If you cannot obtain the Form I-94 from the CBP website, you may do so by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, with USCIS. USCIS **does** charge a fee for this service.

**Item Numbers 28.c. - 28.e. Passport or Travel Document Numbers.** If you used a passport or travel document to request admission to the United States, enter either the passport or travel document information in the appropriate space on the form, even if the passport or travel document is currently expired. Also, provide the name of the country that issued the passport or travel document.

**Item Number 28.f. Passport or Travel Document Expiration.** Provide the date your passport or travel document expires or expired in a month/day/year format.

**Item Number 28.g. Current Nonimmigrant Status.** Provide your current nonimmigrant status (if applicable).

**Item Number 28.h. Date Current Nonimmigrant Status Expires.** Provide the date your current nonimmigrant status expires in a month/day/year format (if applicable).

## **Part 2. Information About Your Investment**

### **Regional Center (if any)**

**Item Number 1. Regional Center Association.** Indicate whether your investment is associated with an approved regional center.

**Item Numbers 2. - 5. Information About The Regional Center.** Provide the name of the regional center with which your investment is associated and the regional center's identification number. Also provide the receipt number for the approved regional center application upon which your petition is based. Finally, provide the NCE identification number (NCEID) associated with the NCE into which you have invested or are actively in the process of investing, if applicable. USCIS assigns an NCEID to an NCE when it approves a Form I-924 application with an exemplar Form I-526 petition or when it approves the first Form I-526 petition for an NCE. Petitioners can obtain the NCEID from the regional center.

### **Petition Type and Required Capital Investment**

You must select one of the following options, and provide the requested information.

**Item Number 6. Targeted Employment Area (TEA).** Complete **Item Numbers 6.a. - 6.h.** to indicate whether your petition is based on an investment in a targeted employment area for which the required amount of capital has been adjusted downward. Specifically, indicate whether the NCE or job creating entity (JCE) is principally doing business in the TEA and note, in each instance, whether the TEA is a rural area or high unemployment area. An NCE or a JCE (or both) is principally doing business in the location where it regularly, systematically, and continuously provides goods or services that support job creation. Provide the address where the NCE or JCE (as applicable) is principally doing business and creating jobs.

**Item Number 7. Upward Adjustment Area.** Indicate whether your petition is based on an investment in an area for which the required amount of capital has been adjusted upward.

**Item Number 8. Non-TEA/Non-Upward Adjustment Area.** Indicate whether your petition is based on an investment in an area that is neither a targeted employment area nor an upward adjustment area.



## Composition of Your Investment and Your Income

You must provide the following information.

**Item Number 9. U.S. Bank Account.** Indicate the total amount of money you have deposited or committed to deposit in U.S. business account(s) for the NCE, including money placed into escrow with a U.S. or foreign bank. If you have not transferred any funds to a U.S. business account for an NCE, please provide an explanation in **Part 11. Additional Information**.

**Item Number 10. Total Value of Assets Purchased.** Indicate the total value of all assets purchased for use in the NCE.

**Item Number 11. Total Value of All Property.** Indicate the total value of all property transferred from abroad for use in the NCE.

**Item Number 12. Total of All Debt Financing.** Indicate the total of all debt financing for which the investor is personally and primarily liable and which is secured by assets owned by the investor provided to the NCE. Any indebtedness must be documented with evidence of the investor's ownership of the assets used to secure the indebtedness, as well as the fair market value of the investor's ownership interest in such assets.

**Item Number 13. Total Stock or Other Equity.** Indicate the total value of all stock or other equity purchased in the NCE.

**Item Number 14. Other Capital.** Indicate any other capital invested or in the process of being invested in the NCE. Provide an explanation for such capital in **Part 11. Additional Information**.

**Item Numbers 15. - 18. Your Income.** Indicate the following:

1. Your gross income at the time the investment was made in or committed to the NCE.
2. Your net income at the time the investment was made in or committed to the NCE.
3. Your current gross income.
4. Your current net income.

**Item Numbers 19. - 20. Your Net Worth.** Indicate the following: Your net worth at the time the investment was made in or committed to the NCE, and your current net worth.

**Item Number 21.a. - 21.f. Sources of the Capital You Have Invested.** Identify the sources of the capital you have invested or are actively in the process of investing into the NCE. Select all that apply. Provide details in the space provided. If you need additional space, use the space provided in **Part 11. Additional Information**.

## Part 3. Information About the New Commercial Enterprise (NCE)

### Type of NCE

**Item Numbers 1.a. - 1.c.** Select only one of the options.

1. Choose **Item Number 1.a.** to indicate that the NCE was formed after November 29, 1990.
2. Choose **Item Number 1.b.** to indicate that the NCE resulted from the purchase of a business formed on or before November 29, 1990, that is restructured or reorganized.
3. Choose **Item Number 1.c.** to indicate that the NCE resulted from a capital investment in and substantial expansion of a business formed on or before November 29, 1990.

### Additional Information About The NCE

**Item Numbers 2. - 5. Name and Location of NCE.** Provide the full legal name of the NCE in which you invested or are actively in the process of investing capital. **NOTE:** This is a required field. Do not leave it blank. Also, provide the U.S. business address and contact information for the NCE, and indicate the type of entity the NCE is organized as (for example, corporation, limited liability company, partnership).



**Item Numbers 6. - 7. Nature of Activity and Included Industries.** Indicate the nature of the activity engaged in by the NCE (for example, furniture manufacturer). Provide the North American Industry Classification System (NAICS) codes for all industries included in the NCE.

**Item Number 8. Troubled Business.** Indicate whether you have invested or are actively in the process of investing in a troubled business and, if yes, provide an explanation of how the NCE qualifies as a troubled business. Troubled business means a business that has been in existence for at least two years, has incurred a net loss for accounting purposes (determined on the basis of generally accepted accounting principles) during the twelve- or twenty-four month period prior to the priority date on the alien investor's Form I-526, and the loss for such period is at least equal to twenty percent of the troubled business's net worth prior to such loss. For purposes of determining whether or not the troubled business has been in existence for two years, successors in interest to the troubled business will be deemed to have been in existence for the same period of time as the business they succeeded.

**Item Number 9. Date NCE Formed.** Indicate the date the NCE was formed in a month/day/year format.

**Item Number 10. Federal Employer Identification Number.** Indicate the Federal Employer Identification Number for the NCE.

**Item Number 11. Date of Your Initial Investment.** Indicate the date of your initial investment in the NCE in a month/day/year format.

**Item Number 12. Amount of Your Initial Investment.** Indicate how much you initially invested in the NCE.

**Item Number 13. Capital Investment.** Indicate your total capital investment in the NCE to date.

**Item Number 14. Percentage of Ownership.** Indicate the percentage of your ownership in the NCE.

**Item Numbers 15.a. - 17.c. Multiple Investors.** If you are not the sole investor in the NCE, please list the name of any other person or entity (for example, a corporation, limited liability company, partnership, etc.) that holds a percentage of ownership of the NCE. For each party indicate the percentage of ownership, and whether or not the party, if a person obtained classification or is seeking classification, as an alien investor under INA section 203(b)(5) on the basis of his or her investment in this NCE.

#### **Part 4. Information About The Job-Creating Entity (JCE) (if different from the NCE)**

**Item Number 1.** Indicate whether the JCE is different from the NCE.

**Item Numbers 2. - 5. Name and Location of JCE.** Provide the full legal name of the JCE. Also, provide the U.S. address and contact information of the JCE, and the type of entity the JCE is organized as (for example, corporation, limited liability company, partnership).

**Item Numbers 6. - 7. Nature of Activity and Included Industries.** Indicate the nature of the activity engaged in by the JCE (for example, furniture manufacturer). Provide the North American Industry Classification System (NAICS) codes for all industries included in the JCE.

**Item Numbers 8. - 13. Multiple Job Creating Entities.** If there is more than one JCE involved in the project, list all other JCEs that are involved in the project, providing the full legal name, U.S. address and contact information of each JCE, as well as the type of entity the JCE is organized as (for example, corporation, limited liability company, partnership), the nature of the activity engaged in by the JCE (for example, furniture manufacturer), and the NAICS codes for all industries included in the JCE.

#### **Part 5. Employment Creation Information**

**Item Number 1. Your Position.** Indicate what your position, office or title is with the NCE.

**Item Number 2. Duties.** Describe your duties, activities, and responsibilities in the NCE.

**Item Number 3. Salary.** Indicate your current salary from the NCE.

**Item Number 4. Job Benefits.** Indicate the value of the benefits you receive in your current position in the NCE.

**Item Number 5. Full-Time Direct and Qualifying Employees at Initial Investment.** Indicate the number of full-time direct and qualifying employees who were working in the NCE at the time of your initial investment. A direct and qualifying employee is an individual who provides services or labor for the NCE, who receives wages or other remuneration directly from the NCE, and who is a United States citizen, a lawful permanent resident, or other immigrant lawfully authorized to be employed in the United States, excluding you, your spouse, and your sons and daughters. This definition does not include independent contractors.

**Item Number 6. Current Full-time Direct and Qualifying Employees.** Indicate how many full-time direct and qualifying employees are working in the NCE currently.

**Item Number 7. Difference In Number of Full-Time Direct and Qualifying Employees.** Subtract the number in **Item Number 5.** from the number in **Item Number 6.** and provide the difference here.

**Item Number 8. Estimated Full-Time Positions That Will Be Created.** Indicate how many estimated direct full-time positions for qualifying employees will be created by the NCE and, if your petition is based on an investment in a regional center, how many estimated indirect jobs will be created by the NCE or JCE during the relevant time period. Indirect jobs are those that are held outside of the NCE but are created as a result of the NCE.

**Item Number 9. Indirect Job Creation.** If the NCE is associated with a regional center, indicate whether the petition relies on indirect job creation demonstrated by an economic model and, if yes, indicate the economic model used in **Part 11. Additional Information.**

**Item Number 10. Total Investment Made Available to JCE.** Indicate the total amount of your capital that has been or will be made available to the JCE.

**Item Number 11. Capital from Non-Petitioning Investors.** Indicate the total amount of capital invested into the JCE from investors who have not and will not be filing a Form I-526.

## **Part 6. Processing Information**

**Item Numbers 1.a. - 5.f. Permanent Residence.** Indicate how you will seek lawful permanent resident status by selecting the appropriate box for either immigrant visa processing abroad or an application for adjustment of status. If you intend to seek an immigrant visa abroad, indicate your country of citizenship or nationality and country of current residence. If you are currently in the United States and intend to apply for adjustment of status, indicate the country of your last permanent residence abroad and provide the address and telephone number of your last permanent residence abroad. If your native alphabet is other than Roman letters, write your foreign address in your native alphabet.

**Item Numbers 6. - 9. Immigration Proceedings.** Indicate whether you are in removal, exclusion or deportation proceedings before the Department of Homeland Security (DHS) or the Department of Justice's Executive Office for Immigration Review (EOIR) Immigration Court or the Board of Immigration Appeals, and, if so, the location of the proceedings. Also, provide an explanation for why you are in proceedings in **Part 11. Additional Information.** Also indicate whether you are currently subject to a final order of exclusion, deportation, or removal, or subject to reinstatement of such an order.

**Item Numbers 10. - 11. Unauthorized Employment.** Indicate whether you have ever worked without proper work authorization while in the United States. Also, provide an explanation for why you worked without proper work authorization in the space provided and, if necessary, in **Part 11. Additional Information.**

## **Part 7. Information on Petitioner's Spouse and Children**

**Item Numbers 1.a. - 1.c. Full Name.** Provide the full legal name of your spouse in the spaces provided. If you do not have a spouse, provide the full legal name of your child, if you have one.

**Item Number 2. Date of Birth.** Provide the date of birth for the person in a month/day/year format.

**Item Number 3. Country of Birth.** Provide the country where the person was born.

**Item Number 4. Relationship.** Indicate the relationship the person has with you (spouse or child).

**Item Numbers 5. - 6. Permanent Residence.** Indicate whether the person will seek lawful permanent resident status by selecting the appropriate boxes to indicate whether the person will apply for adjustment of status or for an immigrant visa abroad.

**NOTE:** An annotation of a dependent's intention to either apply for adjustment of status or an immigrant visa abroad in **Part 7.** of the Form I-526 is not binding, but should reflect the dependent's intent at the time you file the Form I-526 petition.

**Item Numbers 7.a. - 36.** These data collections are provided for you to fill out for all of your children. They collect the same information as **Item Numbers 1.a. - 6.**

## **Part 8. Statement, Contact Information, Declaration, Certification, and Signature of the Petitioner or Authorized Signatory**

**NOTE: Read the Penalties section of these Instructions before completing Part 8.**

**Item Numbers 1. - 8.b.** Select the appropriate box in **Item Number 1.** to indicate whether you read this petition yourself or whether you had an interpreter assist you and provide the language the interpreter used. If someone assisted you in completing the petition, select the box in **Item Number 2.** indicating that you used a preparer and provide the preparer's name. Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

## **Part 9. Interpreter's Contact Information, Certification, and Signature**

**Item Numbers 1. - 7.b.** If you used anyone as an interpreter to read the Instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the petition.

## **Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner**

**Item Numbers 1. - 8.b.** This section must contain the signature of the person who completed your petition, if other than you, the petitioner. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 9.** and **Part 10.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your petition is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

## **Part 11. Additional Information**

**Item Numbers 1.a. - 7.d.** If you need extra space to provide any additional information within this petition, use the space provided in **Part 11. Additional Information.** If you need more space than what is provided in **Part 11.**, you may make copies of **Part 11.** to complete and file with your petition, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers, and sign and date each sheet.

**We recommend that you print or save a copy of your completed petition to review in the future and for your records. We recommend that you review your copy of your completed petition before you come to your biometric services appointment at a USCIS ASC.** At your appointment, USCIS will permit you to complete the petition process only if you are able to confirm, under penalty of perjury, that all of the information in your petition is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

### What Evidence Must You Submit?

You must submit all evidence requested in these instructions with your petition. If you fail to submit required evidence, USCIS may reject or deny your petition for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

#### Evidence to Accompany Petition

The following evidence must, when applicable, be filed with your petition:

- 1. Lawful Business Entity.** Evidence that you have invested in, or are actively in the process of investing in, a lawful business entity validly formed after November 29, 1990 and validly operating under the laws of the jurisdiction in the United States in which it is located. If you made an investment in a business formed on or before November 29, 1990, you must submit evidence that your investment resulted in a restructuring or reorganization of the business or has caused a substantial (at least 40 percent) increase in the net worth of the business, the number of employees, or both.

Such evidence shall, as applicable, consist of:

- A.** Copies of articles of incorporation, certificate of merger or consolidation, partnership agreement, certificate of limited partnership, joint venture agreement, business trust agreement, or other similar organizational document;
- B.** A certificate evidencing authority to do business in a state or municipality, or if such is not required or issued, a statement to that effect; or
- C.** Evidence that, as of a date after November 29, 1990, the required amount of capital was transferred to an existing business resulting in a substantial increase in the net worth or number of employees. This evidence must be in the form of stock purchase agreements, investment agreements, certified financial reports, payroll records, or other similar instruments, agreements, or documents evidencing the investment and the resulting substantial change.

- 2. Targeted Employment Area.** Evidence, if applicable, that your enterprise has created or will create employment in a targeted employment area. A targeted employment area is defined as an area that, at the time of investment, is a rural area or is designated as an area that has experienced an average unemployment rate of at least 150 percent of the national average rate. A rural area is an area not within a metropolitan statistical area and not within the outer boundary of any city or town having a population of 20,000 or more.

If the targeted employment area is rural, you must provide evidence that the new commercial enterprise is principally doing business within a civil jurisdiction not located within any metropolitan statistical area as designated by the Office of Management and Budget, nor within any city or town having a population of 20,000 or more as based on the most recent decennial census of the United States.

If the targeted employment area is an area of high unemployment, you must provide either:

- A.** Evidence the metropolitan statistical area, the specific county within a metropolitan statistical area, the county in which a city or town with a population of 20,000 or more is located, or the city or town with a population of 20,000 or more outside of a metropolitan statistical area, in which the new commercial enterprise is principally doing business has experienced an average unemployment rate of 150 percent of the national average rate; or
- B.** A description of the boundaries and the unemployment statistics for the area for which designation is sought as set forth in 8 CFR 204.6(i), and the reliable method or methods by which the unemployment statistics were obtained.

- 3. Investment.** Evidence that you have invested or are actively in the process of investing the required amount of capital.

Such evidence may include, but need not be limited to, copies of bank statements showing amounts deposited into the U.S. business accounts for the enterprise, evidence of assets that have been purchased for use in the enterprise, evidence of property transferred from abroad for use in the enterprise (including U.S. Customs and Border Protection commercial entry documents, bills of lading, and transit insurance policies containing ownership information and sufficient information to identify the property and to indicate the fair market value of such property), evidence of monies transferred or committed to be transferred to the NCE in exchange for shares of stock that cannot be redeemed at the holder's request, or any loan or mortgage agreement, promissory note, security agreement, or other evidence of borrowing that is secured by assets owned by the petitioner (other than those of the NCE) and for which the petitioner is personally and primarily liable.

- 4. Lawful Capital.** Evidence that the capital you invested or are actively in the process of investing was obtained through lawful means. **You must include the following documents, as applicable, with your petition:** foreign business registration records, tax returns of any kind filed by you or on your behalf within the last five years in or outside the United States, evidence of other sources of capital, or certified copies of any judgments, or evidence of all pending governmental administrative, civil or criminal actions, and any private civil actions (pending or otherwise) involving monetary judgments against the petitioner from any court in or outside the United States within the past 15 years.
- 5. Job Creation.** Evidence that the enterprise has created or will create at least ten full-time positions for qualifying employees. Qualifying employee means a U.S. citizen, lawful permanent resident, or other immigrant lawfully authorized to be employed in the United States. This definition does not include you, your spouse, your sons or daughters, or any nonimmigrant alien. Such evidence must consist of copies of relevant tax records, Form I-9s, or other similar documents, if the employees have already been hired, or a comprehensive business plan showing when such employees will be hired.

For cases involving **troubled businesses**, the petition must be accompanied by evidence that the number of existing employees is being or will be maintained at no less than the pre-investment level for a period of at least two years. Photocopies of tax records, Forms I-9s, or other relevant documents for the qualifying employees and a comprehensive business plan must be submitted.

For **regional center** cases, the full-time positions can be created either directly or indirectly by the NCE. Investors investing in a regional center are subject to all the same program requirements except that they may rely on indirect job creation as demonstrated through reasonable methodologies.

- 6. Position and Responsibilities in Enterprise.** Evidence that you are or will be engaged in the management of the enterprise, either through the exercise of day-to-day managerial control or through policy formulation. Such evidence must include a statement of your position title and a complete description of your duties, evidence that you are a corporate officer or hold a seat on the board of directors, or evidence that you are engaged in policy-making activities. You will be considered sufficiently engaged in policy-making activities if you are an equity holder in the new commercial enterprise and the organizational documents of the new commercial enterprise provide you with certain rights, powers, and duties normally granted to equity holders of the new commercial enterprise's type of entity in the jurisdiction in which the new commercial enterprise is organized.

### What Is the Filing Fee?

The filing fee for Form I-526 is **\$3,675**.

**NOTE:** The filing fee is not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amount.

**Use the following guidelines when you prepare your check or money order for the Form I-526 filing fee:**



1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the check or money order payable to **U.S. Department of Homeland Security**.  
**NOTE:** Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”
3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment.

**Notice to Those Making Payment by Check.** If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your petition and charge you a returned check fee.

### How To Check If the Fees Are Correct

Form I-526’s filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at [www.uscis.gov](http://www.uscis.gov), select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

### Where To File?

Please see our website at [www.uscis.gov/i-526](http://www.uscis.gov/i-526) or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this petition. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

### Address Change

A petitioner who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address go to the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**NOTE:** Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

### Processing Information

**Initial Processing.** Once USCIS accepts your petition we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility and USCIS may reject or deny your petition.

**Requests for More Information.** We may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

**Decision.** The decision on Form I-526 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

### USCIS Forms and Information

To ensure you are using the latest version of this petition, visit the USCIS website at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Select “Tools,” then under “Self Service Tools,” select “Appointments” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

### Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-526, we will deny your Form I-526 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

### USCIS Compliance Review and Monitoring

By signing this petition, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this petition is complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

The Department of Homeland Security (DHS) has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS’ legal authority to verify this information is in 8 U.S.C. sections 1103, 1153, 1154, 1155, and 1357, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, section 610, 106 Stat 1828, 1874 (1992) (as amended), and 8 CFR Parts 103, 204, 205, and 287. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.



**DHS Privacy Notice**

**AUTHORITIES:** The information requested on this petition, and the associated evidence, is collected under Immigration and Nationality Act (INA) sections 103 and 203(b)(5) and Title 8 of the Code of Federal Regulations parts 103 and 204.6.

**PURPOSE:** The primary purpose for providing the requested information on this petition, and the associated evidence, is to demonstrate that you have invested, or are actively in the process of investing, lawfully obtained capital in a new commercial enterprise in the United States that will create full-time jobs for not fewer than ten qualifying employees. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your petition.

**ROUTINE USES:** DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records and DHS-USCIS-007 - Benefits Information System] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems and DHS/USCIS/PIA-056 USCIS Electronic Immigration System], which can be found at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

**Paperwork Reduction Act**

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour and 50 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0026. **Do not mail your completed Form I-526 to this address.**

# EXHIBIT 5

# EXHIBIT 5



# Immigrant Petition by Alien Investor

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS

Form I-526

OMB No. 1615-0026

Expires 11/30/2021

<b>For USCIS Use Only</b>	<b>Fee Receipt</b>		<b>Classification</b>		<b>Action Block</b>
			<b>Priority Date</b>		
<b>Remarks</b>					
<b>Received</b>		<b>Relocated</b>	<b>Sent</b>		
<b>Resubmitted</b>			<b>Received</b>		

<b>To be completed by an attorney or BIA-accredited representative (if any).</b>	<input type="checkbox"/> <b>Select this box if Form G-28 is attached to represent the applicant.</b>	<b>Attorney or Accredited Representative USCIS Online Account Number (if any)</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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▶ **START HERE - Type or print in black ink.**

## Part 1. Information About You

Provide the following information about yourself.

1. Alien Registration Number (A-Number) (if any)  
 ▶ A-
2. USCIS Online Account Number (if any)  
 ▶
3. U.S. Social Security Number (if any)  
 ▶

## Your Full Name

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name

## Other Names Used

List all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 11**.

### Additional Information.

- 5.a. Family Name (Last Name)
- 5.b. Given Name (First Name)
- 5.c. Middle Name

- 6.a. Family Name (Last Name)
- 6.b. Given Name (First Name)
- 6.c. Middle Name

## Mailing Address

- 7.a. In Care Of Name (if any)
- 7.b. Street Number and Name
- 7.c. ☐ Apt. ☐ Ste. ☐ Flr.
- 7.d. City or Town
- 7.e. State  7.f. ZIP Code
- 7.g. Province
- 7.h. Postal Code
- 7.i. Country



**Part 1. Information About You (continued)**

8. Is your current mailing address the same as your physical address? ☐ Yes ☐ No

If you answered "No" to **Item Number 8.**, provide your physical address in **Item Numbers 9.a. - 9.h.**

**Physical Address**

Provide your physical addresses for the last five years. Provide your present address first. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information.**

9.a. Street Number and Name	<input type="text"/>
9.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
9.c. City or Town	<input type="text"/>
9.d. State <input type="text"/>	9.e. ZIP Code <input type="text"/>
9.f. Province	<input type="text"/>
9.g. Postal Code	<input type="text"/>
9.h. Country	<input type="text"/>
9.i. From (mm/dd/yyyy)	<input type="text"/>
9.j. To (mm/dd/yyyy)	<input type="text"/> <b>Present</b>

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10.a. Street Number and Name	<input type="text"/>
10.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
10.c. City or Town	<input type="text"/>
10.d. State <input type="text"/>	10.e. ZIP Code <input type="text"/>
10.f. Province	<input type="text"/>
10.g. Postal Code	<input type="text"/>
10.h. Country	<input type="text"/>
10.i. From (mm/dd/yyyy)	<input type="text"/>
10.j. To (mm/dd/yyyy)	<input type="text"/>

11.a. Street Number and Name	<input type="text"/>
11.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
11.c. City or Town	<input type="text"/>
11.d. State <input type="text"/>	11.e. ZIP Code <input type="text"/>
11.f. Province	<input type="text"/>
11.g. Postal Code	<input type="text"/>
11.h. Country	<input type="text"/>
11.i. From (mm/dd/yyyy)	<input type="text"/>
11.j. To (mm/dd/yyyy)	<input type="text"/>

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12.a. Street Number and Name	<input type="text"/>
12.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
12.c. City or Town	<input type="text"/>
12.d. State <input type="text"/>	12.e. ZIP Code <input type="text"/>
12.f. Province	<input type="text"/>
12.g. Postal Code	<input type="text"/>
12.h. Country	<input type="text"/>
12.i. From (mm/dd/yyyy)	<input type="text"/>
12.j. To (mm/dd/yyyy)	<input type="text"/>

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13.a. Street Number and Name	<input type="text"/>
13.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
13.c. City or Town	<input type="text"/>
13.d. State <input type="text"/>	13.e. ZIP Code <input type="text"/>
13.f. Province	<input type="text"/>
13.g. Postal Code	<input type="text"/>
13.h. Country	<input type="text"/>
13.i. From (mm/dd/yyyy)	<input type="text"/>
13.j. To (mm/dd/yyyy)	<input type="text"/>

**Part 1. Information About You (continued)****Employment History**

Provide your employment history for the last five years. (If none, so state.) List present employment first. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information.**

**14.a.** Employer Name**14.b.** Street Number and Name**14.c.** ☐ Apt. ☐ Ste. ☐ Flr.**14.d.** City or Town**14.e.** State**14.f.** ZIP Code**14.g.** Province**14.h.** Postal Code**14.i.** Country**14.j.** Job Title**14.k.** From (mm/dd/yyyy)**14.l.** To (mm/dd/yyyy)**15.a.** Employer Name**15.b.** Street Number and Name**15.c.** ☐ Apt. ☐ Ste. ☐ Flr.**15.d.** City or Town**15.e.** State**15.f.** ZIP Code**15.g.** Province**15.h.** Postal Code**15.i.** Country**15.j.** Job Title**15.k.** From (mm/dd/yyyy)**15.l.** To (mm/dd/yyyy)**16.a.** Employer Name**16.b.** Street Number and Name**16.c.** ☐ Apt. ☐ Ste. ☐ Flr.**16.d.** City or Town**16.e.** State**16.f.** ZIP Code**16.g.** Province**16.h.** Postal Code**16.i.** Country**16.j.** Job Title**16.k.** From (mm/dd/yyyy)**16.l.** To (mm/dd/yyyy)**17.a.** Employer Name**17.b.** Street Number and Name**17.c.** ☐ Apt. ☐ Ste. ☐ Flr.**17.d.** City or Town**17.e.** State**17.f.** ZIP Code**17.g.** Province**17.h.** Postal Code**17.i.** Country**17.j.** Job Title**17.k.** From (mm/dd/yyyy)**17.l.** To (mm/dd/yyyy)

**Part 1. Information About You (continued)**

18.a. Employer Name

18.b. Street Number  
and Name18.c. ☐ Apt. ☐ Ste. ☐ Flr.

18.d. City or Town

18.e. State

18.f. ZIP Code

18.g. Province

18.h. Postal Code

18.i. Country

18.j. Job Title

18.k. From (mm/dd/yyyy)

18.l. To (mm/dd/yyyy)

**Other Information About You**

19. Date of Birth (mm/dd/yyyy)

20. Sex ☐ Male ☐ Female

Place of Birth

21. City or Town of Birth

22. State or Province of Birth

23. Country of Birth

24. Country of Citizenship or Nationality

**NOTE:** If you are a citizen of more than one country or your nationality differs from your citizenship, provide the information in **Part 11. Additional Information.**

25. Country of Last Foreign Residence

**Your Entry Into the United States**

26. Date of Arrival (mm/dd/yyyy)

Place of Arrival or Port-of-Entry

27.a. City or Town

27.b. State

28.a. I-94 Arrival-Departure Record Number

28.b. Date Period of Authorized Stay Expires/Expired  
(mm/dd/yyyy)

28.c. Passport Number

28.d. Travel Document Number

28.e. Country That Issued Passport or Travel Document

28.f. Date Passport or Travel Document Expires (mm/dd/yyyy)

28.g. Current Nonimmigrant Status (if applicable)

28.h. Date Current Nonimmigrant Status Expires (mm/dd/yyyy)

**Part 2. Information About Your Investment****Regional Center (if any)**1. Is your investment associated with an approved Regional Center?  
☐ Yes ☐ No

2. Regional Center Name

3. Regional Center Identification Number

4. What is the receipt number for the approved Regional Center application upon which your petition is based?

5. If applicable, provide the New Commercial Enterprise (NCE) Identification Number.

## Part 2. Information About Your Investment (continued)

### Petition Type and Required Capital Investment

Select the appropriate box to indicate the type of petition you are filing. If you select **Item Number 6.**, provide the requested information.

**6. ☐ Targeted Employment Area (TEA)**

This petition is based on an investment in a targeted employment area for which the required investment amount of capital has been adjusted downward.

**a.** Is the new commercial enterprise (NCE) principally doing business in a targeted employment area? ☐ Yes ☐ No

**b.** Is the area a rural area? ☐ Yes ☐ No

**c.** Is the area a high unemployment area? ☐ Yes ☐ No

**d.** Address Where the NCE is Principally Doing Business

Street Number and Name

☐ Apt. ☐ Ste. ☐ Flr.

City or Town

County

State  ZIP Code

**e.** Is the job-creating-entity (JCE) principally doing business in a targeted employment area? ☐ Yes ☐ No

**f.** Is the area a rural area? ☐ Yes ☐ No

**g.** Is the area a high unemployment area? ☐ Yes ☐ No

**h.** Address where the JCE is principally doing business

Street Number and Name

☐ Apt. ☐ Ste. ☐ Flr.

City or Town

County

State  ZIP Code

**7. ☐ Upward Adjustment Area**

This petition is based on an investment in an area for which the required investment amount of capital has been adjusted upward.

**8. ☐ Non-TEA/Non-Upward Adjustment Area**

This petition is based on an investment in an area that is neither a targeted employment area nor an upward adjustment area.

### Composition of Your Investment and Your Income

#### Composition of Investment

**9.** Total Amount Deposited or Committed to Deposit into U.S. Business Accounts for NCE

\$

**10.** Total Value of Assets Purchased for Use in NCE

\$

**11.** Total Value of All Property Transferred From Abroad for Use in NCE

\$

**12.** Total of All Debt Financing

\$

**13.** Total Stock or Other Equity Purchases

\$

**14.** Other Capital

\$

#### Your Income

**15.** Your Gross Income at Time of Investment

\$

**16.** Your Net Income at Time of Investment

\$

**17.** Your Current Gross Income

\$

**18.** Your Current Net Income

\$

#### Your Net Worth

**19.** Your Net Worth at Time of Investment

\$

**20.** Your Current Net Worth

\$





**Part 2. Information About Your Investment**  
(continued)**Your Sources of Investment Capital**

Please identify the sources of the capital you have invested or are actively in the process of investing into the NCE. (Select all that apply.)

- 21.a. ☐ Income
- 21.b. ☐ Indebtedness (Loan, Loan Proceeds, Promissory Note, etc.)
- 21.c. ☐ Gift (including capital obtained through inheritance)
- 21.d. ☐ Tangible Assets (Equipment, Inventory, etc.)
- 21.e. ☐ Other
- 21.f. In the space below, describe the documentation included with this petition to demonstrate that the capital you have invested or are actively in the process of investing was obtained through lawful means.

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**Part 3. Information About the New Commercial Enterprise (NCE)****Type of NCE (Select only one)**

- 1.a. ☐ NCE formed after November 29, 1990
- 1.b. ☐ NCE resulting from the purchase of a business formed on or before November 29, 1990 that is restructured or reorganized
- 1.c. ☐ NCE resulting from a capital investment in and substantial expansion of a business formed on or before November 29, 1990.

**Additional Information About the NCE**

2. Name of NCE (Required Field - Do Not Leave Blank)

---

**Address of NCE**

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. County
- 3.e. State  3.f. ZIP Code
4. Telephone Number of NCE
5. Type of Entity (for example, corporation, limited liability company, partnership)
6. Nature of Activity (for example, furniture manufacturer)
7. Included Industries (provide North American Industry Classification System (NAICS) codes)
8. Have you invested or are you actively in the process of investing in a troubled business? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Number 8.**, you must provide an explanation in **Part 11. Additional Information** of how the NCE qualifies as a troubled business.

9. Date NCE Formed (mm/dd/yyyy)
10. Federal Employer Identification Number
11. Date of Your Initial Investment (mm/dd/yyyy)
12. Amount of Your Initial Investment in the NCE \$
13. Your Total Capital Investment in the NCE To Date \$
14. What percentage of the NCE do you own?  %



**Part 3. Information About the New Commercial Enterprise (NCE) (continued)**

**Multiple Investors.** If you are not the sole investor in the NCE, list the name of any other person or entity (for example, a corporation, limited liability company, partnership, etc.) that holds a percentage ownership of the NCE. Also indicate the percentage of ownership and whether any of these persons obtained classification as an alien investor under INA section 203(b)(5) on the basis of his or her investment in this NCE or is seeking classification as an alien investor under INA section 203(b)(5). If you need additional space, provide the information in **Part 11. Additional Information.**

**15.a.** Name of Party

**15.b.** Percentage of Ownership  %

**15.c.** Is the party seeking classification as an alien investor under INA Section 203(b)(5) or has the party obtained classification as an alien investor under INA section 203(b)(5) on the basis of his or her investment in this NCE?

☐ Yes ☐ No

**16.a.** Name of Party

**16.b.** Percentage of Ownership  %

**16.c.** Is the party seeking classification as an alien investor under INA section 203(b)(5) or has the party obtained classification as an alien investor under INA section 203(b)(5) on the basis of his or her investment in this NCE?

☐ Yes ☐ No

**17.a.** Name of Party

**17.b.** Percentage of Ownership  %

**17.c.** Is the party seeking classification as an alien investor under INA section 203(b)(5) or has the party obtained classification as an alien investor under INA section 203(b)(5) on the basis of his or her investment in this NCE?

☐ Yes ☐ No

**Part 4. Information About the Job-Creating Entity (JCE) (if different from the NCE)**

**1.** Is the JCE different from the NCE? ☐ Yes ☐ No

**2.** Name of the JCE

**3.a.** Street Number and Name

**3.b.** ☐ Apt. ☐ Ste. ☐ Flr.

**3.c.** City or Town

**3.d.** County

**3.e.** State  **3.f.** ZIP Code

**4.** Telephone Number of JCE (with area code)

**5.** Type of Entity (for example, corporation, limited liability company, partnership)

**6.** Nature of Activity (for example, furniture manufacturer)

**7.** Included Industries (provide North American Industry Classification System (NAICS) codes)

**Multiple Job-Creating Entities.** If there is more than one JCE involved in the project, provide information regarding all JCE's involved with the new commercial enterprise. If you need additional space, use the space provided in **Part 11. Additional Information.**

**8.** Name of Additional Job-Creating Entity

**9.a.** Street Number and Name

**9.b.** ☐ Apt. ☐ Ste. ☐ Flr.

**9.c.** City or Town

**9.d.** County

**9.e.** State  **9.f.** ZIP Code

**10.** Telephone Number of Job-Creating Entity (with area code)

**11.** Type of Entity (for example, corporation, limited liability company, partnership)

**12.** Nature of Activity (for example, furniture manufacturer)

**13.** Included Industries (provide North American Industry Classification System (NAICS) codes)

**Part 5. Employment Creation Information**

1. What is your position, office, or title with the NCE?
2. What are your duties, activities, and responsibilities in the NCE?

**NOTE:** If you need additional space, provide the information in **Part 11. Additional Information.**

3. What is your current salary in the NCE?  
 \$
4. What are the costs for benefits you receive in your current position in the NCE?  
 \$
5. Number of Full-Time Direct and Qualifying Employees in the NCE at the Time of Your Initial Investment
6. Current Number of Full-Time Direct and Qualifying Employees in the NCE
7. Difference in Number of Full-Time Direct and Qualifying Employees
8. Estimated Number of Full-Time Direct and Indirect Positions **That Will Be Created** During the Relevant Time Period
9. If the new commercial enterprise is associated with a Regional Center, does this petition rely on indirect job creation? ☐ Yes ☐ No
- NOTE:** If you answered "Yes" to **Item Number 9.**, indicate the economic model used to estimate indirect job creation in **Part 11. Additional Information.**
10. Total Amount of Your Capital That Has Been or Will Be Made Available to the JCE  
 \$
11. Total Amount of Capital Derived From Investors Who Have Not Sought and Are Not Seeking Classification As Alien Investors  
 \$

**Part 6. Processing Information**

Select the appropriate box to indicate how you will seek lawful permanent resident status.

- 1.a. ☐ **Immigrant Visa Processing**
- 1.b. Country of Citizenship or Nationality
- 1.c. Country of Current Residence
- 2.a. ☐ **Application for Adjustment of Status**
- 2.b. Country of Last Permanent Residence Abroad

**Address in Country of Last Permanent Residence Abroad**

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. Province
- 3.e. Postal Code
- 3.f. Country
4. Telephone Number

If your native alphabet is other than Roman letters, type or print the foreign address in your native alphabet, below.

- 5.a. Street Number and Name
- 5.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 5.c. City or Town
- 5.d. Province
- 5.e. Postal Code
- 5.f. Country



**Part 6. Processing Information** (continued)**Immigration Proceedings**

Please indicate whether you are in exclusion, deportation, or removal proceedings before the Department of Homeland Security (DHS) or the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR) Immigration Court or Board of Immigration Appeals. You also must provide an explanation for why are you in proceedings in **Part 11. Additional Information**.

6. Are you currently in immigration proceedings before the Department of Homeland Security (DHS) or Department of Justice (DOJ)? ☐ Yes ☐ No

Type of Proceedings (Select **only one**)

- 7.a. ☐ Exclusion  
7.b. ☐ Deportation  
7.c. ☐ Removal

Location of Proceedings

- 8.a. City or Town

- 8.b. State

9. Are you currently subject to a final order of exclusion, deportation, or removal, or subject to reinstatement of such an order? ☐ Yes ☐ No

**Employment in the United States**

10. Have you ever worked in the United States without permission? ☐ Yes ☐ No
11. If you answered "Yes" to **Item Number 10.**, provide an explanation below. If you need additional space, use **Part 11. Additional Information**.

  
  
  
  

**Part 7. Information About Your Spouse and Children**

List your spouse and all of your children. Also, note if the individual will be applying for a visa abroad or for adjustment of status as your dependent. If you need additional space to list other children, use **Part 11. Additional Information**.

**Family Member 1**

- 1.a. Family Name (Last Name)   
1.b. Given Name (First Name)   
1.c. Middle Name   
2. Date of Birth (mm/dd/yyyy)   
3. Country of Birth   
4. Relationship to You   
5. Applying for Adjustment of Status? ☐ Yes ☐ No  
6. Applying for Visa Abroad? ☐ Yes ☐ No

**Family Member 2**

- 7.a. Family Name (Last Name)   
7.b. Given Name (First Name)   
7.c. Middle Name   
8. Date of Birth (mm/dd/yyyy)   
9. Country of Birth   
10. Relationship to You   
11. Applying for Adjustment of Status? ☐ Yes ☐ No  
12. Applying for Visa Abroad? ☐ Yes ☐ No

**Family Member 3**

- 13.a. Family Name (Last Name)   
13.b. Given Name (First Name)   
13.c. Middle Name



**Part 7. Information About Your Spouse and Children (continued)**

Family Member 3 (continued)

14. Date of Birth (mm/dd/yyyy)
15. Country of Birth
16. Relationship to You
17. Applying for Adjustment of Status? ☐ Yes ☐ No
18. Applying for Visa Abroad? ☐ Yes ☐ No

**Family Member 4**

- 19.a. Family Name (Last Name)
- 19.b. Given Name (First Name)
- 19.c. Middle Name
20. Date of Birth (mm/dd/yyyy)
21. Country of Birth
22. Relationship to You
23. Applying for Adjustment of Status? ☐ Yes ☐ No
24. Applying for Visa Abroad? ☐ Yes ☐ No

**Family Member 5**

- 25.a. Family Name (Last Name)
- 25.b. Given Name (First Name)
- 25.c. Middle Name
26. Date of Birth (mm/dd/yyyy)
27. Country of Birth
28. Relationship to You
29. Applying for Adjustment of Status? ☐ Yes ☐ No
30. Applying for Visa Abroad? ☐ Yes ☐ No

**Family Member 6**

- 31.a. Family Name (Last Name)
- 31.b. Given Name (First Name)
- 31.c. Middle Name
32. Date of Birth (mm/dd/yyyy)
33. Country of Birth
34. Relationship to You
35. Applying for Adjustment of Status? ☐ Yes ☐ No
36. Applying for Visa Abroad? ☐ Yes ☐ No

**Part 8. Statement, Contact Information, Declaration, Certification, and Signature of the Petitioner or Authorized Signatory**

**NOTE:** Read the **Penalties** section of the Form I-526 Instructions before completing this part.

**Petitioner's or Authorized Signatory's Statement**

**NOTE:** Select the box for either **Item 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this petition and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 9.** read to me every question and instruction on this petition and my answer to every question in , a language in which I am fluent. I understood all of this information as interpreted.
2. ☐ At my request, the preparer named in **Part 10.**,  prepared this petition for me based only upon information I provided or authorized.

**Authorized Signatory's Contact Information**

- 3.a. Authorized Signatory's Family Name (Last Name)
- 3.b. Authorized Signatory's Given Name (First Name)

**Part 8. Statement, Contact Information, Declaration, Certification, and Signature of the Petitioner or Authorized Signatory (continued)**

4. Authorized Signatory's Title

5. Authorized Signatory's Daytime Telephone Number

6. Authorized Signatory's Mobile Telephone Number (if any)

7. Authorized Signatory's Email Address (if any)

***Petitioner's or Authorized Signatory's Declaration and Certification***

Copies of any documents submitted are exact photocopies of unaltered, original documents, and I understand that, as the petitioner, I may be required to submit original documents to USCIS at a later date.

I authorize the release of any information from my records, or from the petitioning organization's records, to USCIS or other entities and persons where necessary to determine eligibility for the immigration benefit sought or where authorized by law. I recognize the authority of USCIS to conduct audits of this petition using publicly available open source information. I also recognize that any supporting evidence submitted in support of this petition may be verified by USCIS through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

If filing this petition on behalf of an organization, I certify that I am authorized to do so by the organization.

I certify, under penalty of perjury, that I have reviewed this petition, I understand all of the information contained in, and submitted with, my petition, and all of this information is complete, true, and correct.

***Petitioner's or Authorized Signatory's Signature***

8.a. Petitioner's Signature (sign in ink)



8.b. Date of Signature (mm/dd/yyyy)

**NOTE TO ALL PETITIONERS AND AUTHORIZED SIGNATORIES:**

If you do not completely fill out this petition or fail to submit required documents listed in the Instructions, USCIS may delay a decision on or deny your petition.

**Part 9. Interpreter's Contact Information, Certification, and Signature**

Provide the following information about the interpreter.

***Interpreter's Full Name***

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

***Interpreter's Mailing Address***

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State

3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

***Interpreter's Contact Information***

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

***Interpreter's Certification***

I certify, under penalty of perjury, that:

I am fluent in English and ,

which is the same language specified in **Part 8., Item 1.b.**, and I have read to this petitioner or the authorized signatory in the identified language every question and instruction on this petition and his or her answer to every question. The petitioner or authorized signatory informed me that he or she understands every instruction, question, and answer on the petition, including the **Petitioner's or Authorized Signatory's Declaration and Certification**, and has verified the accuracy of every answer.



**Part 9. Interpreter's Contact Information, Certification, and Signature (continued)****Interpreter's Signature**

7.a. Interpreter's Signature (sign in ink)

7.b. Date of Signature (mm/dd/yyyy)

**Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner**

Provide the following information about the preparer.

**Preparer's Full Name**

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

**Preparer's Mailing Address**

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State

3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

**Preparer's Contact Information**

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

**Preparer's Statement**7.a. ☐ I am not an attorney or accredited representative but have prepared this petition on behalf of the petitioner and with the petitioner's consent.7.b. ☐ I am an attorney or accredited representative and my representation of the petitioner in this case  
☐ extends ☐ does not extend beyond the preparation of this petition.**NOTE:** If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this petition.**Preparer's Certification**By my signature, I certify, under penalty of perjury, that I prepared this petition at the request of the petitioner or authorized signatory. The petitioner has reviewed this completed petition, including the **Petitioner's or Authorized Signatory's Declaration and Certification**, and informed me that all of this information in the form and in the supporting documents is complete, true, and correct.**Preparer's Signature**

8.a. Preparer's Signature (sign in ink)

8.b. Date of Signature (mm/dd/yyyy)





## Part 11. Additional Information

If you need extra space to provide any additional information within this petition, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this petition or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet, indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers, and sign and date each sheet.

**1.a.** Family Name (Last Name)

**1.b.** Given Name

1.c. Middle Name

2. A-Number (if any) A-

<b>3.a.</b> Page Number	<b>3.b.</b> Part Number	<b>3.c.</b> Item Number
<div></div>	<div></div>	<div></div>

**4.a.** Page Number      **4.b.** Part Number      **4.c.** Item Number

**5.a.** Page Number **5.b.** Part Number **5.c.** Item Number

**6.a.** Page Number **6.b.** Part Number **6.c.** Item Number

**7.a.** Page Number **7.b.** Part Number **7.c.** Item Number



# EXHIBIT 6

# EXHIBIT 6



U.S. Citizenship  
and Immigration  
Services

[Home](#) > [Working in the United States](#) > [Permanent Workers](#) > [Employment-Based Immigration: Fifth Preference EB-5](#) > [Suggested Order of Form I-526 Documentation](#)

## Suggested Order of Form I-526 Documentation

The following is the suggested order of documentation accompanying Form I-526, Immigrant Petition by Alien Entrepreneur. You can find the initial evidentiary requirements identifying required documentation at [8 C.F.R. § 204.6](#) and in the [Form I-526 instructions](#).

[Close All](#) [Open All](#)

### 1. Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Notice of attorney of representative

### 2. Form I-526, Immigrant Petition by Alien Entrepreneur

Petitioner's Form I-526

### 3. Cover Letter

Cover letter and exhibit index (highly recommended)

### 4. Evidence of establishment of a new commercial enterprise (NCE), which must include:

- As applicable, organizational documents of the NCE such as:
  - Articles of incorporation
  - Certificate of merger or consolidation
  - Partnership agreement
  - Certificate of limited partnership
  - Joint venture agreement
  - Business trust agreement

- Certificate evidencing authority to do business in a State or municipality (or a statement saying such a certificate is not required)
- **(For expanded businesses, if applicable)** Evidence that the required amount of capital was transferred to an existing business, and the investment has resulted in a substantial increase in net worth or number of employees of the business including, but not limited to:
  - Stock purchase agreements
  - Investment agreements
  - Certified financial reports
  - Payroll records
  - Any similar instruments, agreements, or documents evidencing the investment and the resulting substantial change.

## 5. Project documents, which may include:



- Transactional documents for the project, such as
  - Limited partnership agreements
  - Operating agreements
  - Escrow agreements
  - Subscription agreements
  - Loan agreements
  - Offering memoranda

## 6. Evidence the investment is in a Targeted Employment Area (TEA), when applicable



- For rural areas
  - Evidence the NCE is principally doing business within a jurisdiction outside any standard metropolitan statistical area (MSA) and outside any city or town with a population of 20,000 or more in the most recent U.S. Census
- For high unemployment areas
  - Unemployment data for the relevant MSA or county in which the NCE is principally doing business demonstrating that it has an average unemployment rate of 150% of the national average rate; or
- A letter from an authorized body of the state government in which the NCE is located which certifies that the area in which the NCE is principally doing business has been designated as a high unemployment area<sup>[1]</sup>

## 7. Evidence of petitioner's investment in the NCE, which may include:



- Copies of bank statement(s) showing amount(s) deposited in U.S. business account(s) of the NCE

- Evidence of assets purchased for use by the NCE including, but not limited to:
  - Invoices
  - Sales receipts
  - Purchase contracts, if they identify the assets with the purchase cost, date of purchase, and the purchasing entity
- Evidence of property transferred from abroad for use by the NCE including, but not limited to:
- U.S. Customs and Border Protection commercial entry documents
- Bills of lading
- Transit insurance policies containing ownership information and information to identify the property and indicate its fair market value.
- Evidence of money transferred or committed to the NCE in exchange for shares of stock, which stock may not include terms requiring the NCE to redeem it at the holder's request
- Evidence of any loan or mortgage agreement, promissory note, security agreement, or other evidence of borrowing secured by the petitioner's assets (other than those of the NCE), and for which the petitioner is personally and primarily liable
- Evidence of business activity of the NCE
  - Invoices
  - Purchases
  - Contracts

## 8. Evidence of lawful source of funds:

- Evidence the petitioner's funds are from a lawful source. As applicable, petitioner must provide:
  - Foreign business registration records
  - Corporate, partnership, or any other entity tax returns filed within last 5 years
  - Personal tax returns including income, franchise, property, or any other kind filed within last 5 years
  - Evidence identifying any other source(s) of capital
  - Certified copies of any judgments or evidence of all pending governmental civil or criminal actions, governmental administrative proceedings, and any private civil actions involving monetary judgments against the petitioner in or outside the U.S. within the past 15 years
- Evidence of the path of petitioner's funds from the source to the NCE including, but not limited to:
  - Wire transfer records
  - Bank statements showing where funds originated

## 9. Evidence the NCE will create (or maintain in the case of a troubled business) the required number of jobs for qualifying employees, which must include:

- A comprehensive business plan showing the need for not fewer than 10 qualifying employees and when such employees will be hired; or
- For employees already hired:

- Relevant tax records
- Forms I-9; or
- other similar documents
- **(For regional center affiliated petitions)** Evidence of reasonable methodology to show that the required number of jobs will be created indirectly by the business
- **(For troubled businesses, if applicable):**
  - Evidence that the NCE has:
    - Been in existence for at least two years
    - Incurred a net loss for accounting purposes (determined on the basis of generally accepted accounting principles) during the twelve or twenty-four month period prior to the priority date on the alien entrepreneur's Form I-526
    - A loss for such period equal to at least 20% of the troubled business's net worth prior to such loss
    - Evidence that the number of existing employees is being or will be maintained at no less than the pre-investment level for a period of at least two years

10. Evidence the petitioner is or will be engaged in management of the NCE, either through the exercise of day-to-day managerial control or through policy formulation, ; ^ which must be shown by

- Statement of petitioner's position title and a complete description of the duties;
- Evidence the petitioner is a corporate officer or a member of the board of directors; or
- **(For partnerships)** Evidence the petitioner is engaged in either direct management or policy-making activities

11. (For regional center affiliated petitions) Approval notice of designated regional center ^

Form I-924 approval notice from USCIS designating the regional center with which the petitioner is associated

12. (For regional center affiliated petitions seeking deference) Previously approved project-specific documentation ^

- Business plan
- Economic analysis
- Organizational and transactional documents

✕ Close All ✕ Open All

[1] See 8 CFR 204.6(i).

